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June 26, 2022

Via ECF

Hon. Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: In re Application of Zouzar Bouka, et al., No. 22 Misc. 92 (RA)

Dear Judge Gorenstein:

We write in accordance with Rule 1(A) of Your Honor's Individual Rules to inform this Court of the recent decision ("Decision") of the Court of Cassation of Madagascar, which is relevant to this proceeding.

On March 28, 2022, Respondents Symbion Power Services U.S., Inc., Symbion Power LLC, Symbion Power Holdings LLC, Symbion Power Africa, LLC, and Paul Hinks ("**Symbion**") objected to discovery in the above-captioned matter in favor of the proceedings pending before the Anti-Corruption Court of Antananarivo (the "*Pôle Anti-Corruption*" or "**PAC**") on the basis that the Applicant "does not have the right to participate in [those] proceedings unless and until the appellate court agrees and the matter is remanded for trial." ECF Doc. 11, at 2. As the Court will recall, after the Tribunal of the First Instance of the PAC sustained the charges, which the Court of Appeals of Madagascar affirmed, Mr. Paul Hinks and Ms. Mirela Comaniciu submitted a further appeal to the Court of Cassation. By the Decision, which is dated 7 June 2022, the Court of Cassation rejected the appeal and remanded the case for a full criminal trial. There is no further right of appeal.

The attached Third Declaration of Malagasy counsel Frederika Andrianzanatany Banks summarizes the state of the proceedings and attaches the Decision as its **Exhibit A**. We have also included certified translations of both the Declaration and the Decision from the French originals.

We are available to answer any questions that the Court may have regarding this matter.

Hon. Gabriel W. Gorenstein
June 26, 2022
Page 2

Sincerely,

Step toe & Johnson LLP

/s/ Robert Mockler

cc: All Counsel of Record, via ECF